

**Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)**

October 17, 2019 - 12:00 to 2:00 p.m.

Administrative Office of the Courts, Matheson Courthouse  
1st floor Large Conference Room B and C

Attended			Excused
Judge James Brady	Cora Gant	Joanne Sayre	Rob Denton
Judge Keith Kelly	Scotti Hill	Shonna Thomas	Dustin Hammers
Shane Bahr	Mackenzie Hirai	James Toledo	Andrew Riggle
TantaLisa Clayton	Nels Holmgren	Norma Valavala-Ballard	Nancy Sylvester
Judge David Connors	Nan Mendenhall	Todd Weiler	Kaye Lynn Wootton
Xia Erickson	Daniel Musto	Michelle Wilkes	Kent Alderman
Wendy Fayles	Alan Ormsby		
			<u>Not Present:</u> Jean Boyack

Agenda			
12:00 p.m.	Welcome, minutes, housekeeping		Judge Brady Judge Kelly Shane Bahr
12:10p.m.	Updates <ul style="list-style-type: none"> <li>• Record Sharing</li> <li>• Guardianship Signature Program Plan</li> <li>• Elder Justice Grant</li> <li>• Other Stakeholders</li> </ul>		Michelle Wilkes Shonna Thomas Nan Mendenhall Andrew Riggle and TantaLisa Clayton
12:40 p.m.	WINGS Membership Expiring	TAB 1	Shane Bahr
1:00 p.m.	Guardianship and Conservatorship Annual Reporting		Judge Brady Judge Connors
1:20 p.m.	Probate Subcommittee Legislative Recommendations & Rules and Substantive Provision Recommendations		Group Discussion
1:45 p.m.	Clerical Education Subcommittee Update		Joanne Sayre

Housekeeping
<ul style="list-style-type: none"> <li>– Meeting called to order at 12:09pm.</li> <li>– No additional items were identified to add to the existing agenda.</li> <li>– Judge Brady is stepping down as the Chair of the Executive Committee, due to schedule conflicts.</li> <li>– Judge Kelly will take over as Chair of the Executive Committee, effective November 1, 2019.</li> <li>– A Motion was made to approve the minutes from the previous meeting (August 15, 2019). The motion was seconded, and approved.</li> <li>– Shonna Thomas, new GRAMP Program Coordinator was introduced to the group.</li> </ul>

## Updates

### Record Sharing (Michelle Wilkes):

Concern was raised at the last meeting regarding record sharing with other agencies. First, IT was consulted. However, due to the party code, access would also include involuntary commitments, which was not appropriate. The directors of APS, OPG, and AG were consulted, and an internal policy/memo was developed to address the issue.

Question asked – Is there anything in the guardianship file that shows a request has been made?

There is nothing that shows a request has been made, if the request was for informational purposes. If further action or an investigation of one of the parties results, all parties would be notified.

### Guardianship Signature Program Plan (Shonna Thomas):

There are three areas currently in focus to improve participation in the program:

1. Using a list of inactive attorneys from the Bar, to recruit more individuals. The Bar can provide malpractice insurance to inactive attorneys.
2. Expand the 3L program to BYU Law School. The plan is to identify a mentor, and then work with them and BYU to get the program in place.
3. Look at implementing a Limited Appearance of Counsel model in some districts, to allow attorneys to attend hearings on specific days, and provide representation at the hearing, rather than appointment to a specific client. Emails have been sent to the Clerks of Court, to ascertain the current process in their district. This will help determine if/where implementation is possible.

Suggestion offered –

- In domestic cases, a new system of triaging is being tested. If certain criteria have been met, the case is set on a calendar, and during that time a mediator helps the parties address issues. Could be an option in the future to consider.

### Elder Justice Grant (Nan Mendenhall):

Report back on two grants they have obtained:

The first grant relates to improving financial exploitation services within Adult Protective Services. There are five areas of focus:

1. Implementation of evidenced-based screening process and assessment.
2. Improvement of their tracking system and database – will help them pinpoint dollar amounts stolen.
3. Developing statewide multidisciplinary teams with a focus within financial exploitation.
4. Enhancement of APS workers' knowledge and skill set, by consulting with experts across the country.
5. Improving resources and services to the Spanish-speaking community.

The second grant will be used to develop multidisciplinary teams across the state. They will be doing a needs assessment to determine what each county needs, as what works in one county may not be effective elsewhere.

Looking at different model programs, with the goal of developing programs that are sustainable without grant money, using community involvement to help solve community issues.

Question asked – Are you looking at direct costs, or operational costs within department?

Cost is tied to the crimes, not the operations of the department.

Question asked – How long are the grants?

They are both three year grants, exploratory, and not for personnel or service provision.

### Other Stakeholders (TantaLisa Clayton, Andrew Riggle – by proxy):

- The Commission on Aging would be happy to participate in WINGS.
- Utah Parent Center was contacted (Joey Hanna). Waiting to hear back.

Question asked – Is there a specific procedure to incorporate new members?

There is nothing in the WINGS bylaws regarding welcoming new members. Unless there are objections, if people want to come, they are welcome. A formal screening process can be addressed by the Executive Committee if the need arises.

### WINGS Membership Expiring

According to the bylaws, members serve 3-year terms, and up to two terms. There are currently several WINGS members with expired or soon-to-be expired membership. Do we need to rotate to have new people participate, or is a revision to the bylaws appropriate?

#### Discussion -

- Other committees do rotations so that people do not get entrenched.
- WINGS needs representation, but does it matter who within an organization participates?
- Terms of service rotate people in and out, providing fresh ideas and perspective. It also relays the expectation that an individual should anticipate serving for that amount of time.
- Inappropriate to dictate to organizations who can serve on WINGS.

#### Suggestions offered –

- Leave it up to the organizations and departments involved to decide if that individual continues to represent their positions, rather than terminating their WINGS membership.
- Consider differentiating between a public member and institutional representatives. Public members could be rotated, whereas institutional representatives would not.
- Recommend that this matter be considered by the Executive Committee.

### Guardianship and Conservatorship Annual Reporting

Concern was raised about annual reports, and the extent to which they are reviewed by judges upon submission. Similarly, once a Court Visitor completes the report, it does not automatically trigger an alert to the judge to review, or generate a new hearing.

#### Discussion -

- In 4<sup>th</sup> district, one judge is assigned to uncontested probate matters, and contested matters are spread out amongst the other judges. Reports that come in may not be reviewed by each judge; they may only be reviewed by the judge assigned to uncontested cases.
- In 2<sup>nd</sup> district, cases are assigned to judges, rather than a single judge for probate/guardianship matters. When reviewing each annual report, they mainly look for things that are obvious or inconsistent.
- In 3<sup>rd</sup> district, the clerks in the probate department review the annual reports. If the clerk sees something off, it is given to the Court Visitor to follow up or audit (via a court order).
- There needs to be a standard mechanism in place to ensure judges receive and review the information.
- The Probate Subcommittee's recommendations (Rule 13) aims to address this issue to some extent.

#### Suggestions offered –

- In 3<sup>rd</sup> district, could these items be automatically placed on the probate calendar?
- Take the issue to the bench meeting, to have judges agree on a procedure.
- Include a checkbox on the Court Visitor report that recommends an action.
- Find out what is happening in other districts with reviewing reports.
- Add to the agenda for the Executive Committee to follow up and get further feedback on the process.

### Probate Subcommittee Legislative Recommendations

The main focus of this proposal is to try and separate, in existing code, process and policy. Recommending procedural changes to the statute, so the code/probate procedure in place is consistent with statute.

#### Discussion -

- If there are any changes to the code, the court is not in a position to move that forward.
- Nancy Sylvester wrote a memo to WINGS, related to this point.
- The recommendations provide suggested language, and if there are any WINGS stakeholders that want to pursue it within their own organization/agency, they can do so.

### Clerical Education Subcommittee Update

First subcommittee meeting took place today. Two main concerns were discussed:

1. Committee members had different versions of the manual.
  - Shonna has the most recent revision and will send that copy to the members.

2. Who is involved and participating in this subcommittee?
- The plan is to reach out to Rob Denton and Kent Alderman to confirm their participation.
  - Committee members may need to reach out to other attorneys that specialize in elder law.
  - Proposal to recruit other members, specifically from smaller districts.

Suggestions offered –

- Reach out to the 5<sup>th</sup> district Clerk, Peggy Johnson, for subcommittee member suggestions.
- Consider using a phone conference to help all members get on the same page.
- Plan on meeting again, the hour before each WINGS meeting.
- Keep this item on the agenda for follow up.

**Other Business**

- A Motion was made for Judge Kelly to serve as Chair. The motion was seconded, and approved.
- Senator Weiler updated the group on the status of legislation for the 2020 session. No known items are being run, but there could be something not yet brought to his attention.
- Alan Ormsby noted that APS may ask for additional funding for FTE's at the next legislative session, as investigations have doubled, while staff have decreased.
- A Motion was made to adjourn the meeting. The motion was seconded, and approved.
- Meeting adjourned at 1:35pm.

**Action Items**

– Reach out to districts for annual report and Court Visitor report review process.	Shonna Thomas Michelle Wilkes
– Follow up - automatically placing on the 3 <sup>rd</sup> district probate calendar items such as annual report or court visitor report concerns, motion to show cause?	Judge Kelly Joanne Sayre
– Follow up - bring the concerns of annual reports/Court Visitor reports to the next bench meeting, have judges agree on a procedure.	Judge Kelly Judge Brady Judge Connors
– Look into using conference calls to connect Clerical Education subcommittee	Judge Kelly Joanne Sayre
– Provide most current manual to Clerical Education subcommittee	Shonna Thomas
– Confirm Clerical Education subcommittee members, recruit new members.	Clerical Education subcommittee

**Deferred / Continuing Items**

– WINGS bylaws – membership expiration	Executive Committee
– Annual reports and Court Visitor reports	
– Clerk manual revision	Clerical Education Subcommittee

**Next Meeting(s):** December 19, 2019